

Site:	Martha
ID #:	MD980633069
Break:	10.5
Other:	
	3/13 1987

MAR 13 1987

Russell D. Selman, Esquire  
Schiff, Mardin & Waite  
7200 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606

Re: Martha C. Rose Chemicals, Inc.

Dear Mr. Selman:

The purpose of this letter is to confirm agreements and understanding that were reached at our meeting on March 3, 1987, and to identify certain other items of importance.

1. With respect to the Administrative Order on Consent (AOC), the Committee will provide the revised Work Plans for EPA's approval by March 26, 1987.

2. The technical proposal for waste stream disposal will be submitted to EPA for review by March 31, 1987.

3. A long range site-management plan, including an initial schedule for all planned and anticipated site response activities, will be submitted to EPA by May 1, 1987.

4. Sometime during the week of March 9, 1987, you are to provide me with a schedule of activities relating to the next phases of the clean-up, either on-site or off-site incineration of PCBs and PCB items. The requested schedule would provide EPA with the Committee's best estimates of the time frames for internal activities which must occur prior to implementation of the next phase of the clean-up. The EPA recognizes that time frames between or concurrent with some Committee activities will necessarily depend upon EPA actions for which the Committee has no control.

5. During our meeting EPA agreed to have a representative visit the site on a weekly or bi-weekly basis to advise Clean Sites, Inc. (CSI) as to whether activities are either



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being conducted in accordance with the Administrative Order on Consent and the associated work plans or being performed in a manner acceptable to EPA. To help make EPA's visits meaningful, CSI must provide both George Hess (EPA's OSC) and Steve Kinser (Project Coordinator) with adequate notice prior to implementation of significant site activities. Apparently, the bi-weekly status reports are not accomplishing such notice. For example, on March 11 Mr. Hess was notified that 10,000 gallons of ignitable materials were to be removed from the site the following day. This is hardly sufficient notice of significant site activities. Please inform CSI that prior notice, at least five (5) working days, will be required.

6. In response to EPA's need to be better advised of Committee activities, Jene Robinson agreed to provide Art Spratlin with a monthly report. The report will include dates and tentative agendas for all upcoming Rose Chemical Steering Committee meetings (for the next 30-day period), a summary of each Committee meeting held during the previous 30-day period, a description of substantive issues or problems that are anticipated, a description of substantive issues or problems that have been resolved, and one copy of each mass mailing correspondence that has been sent to the PRPs, or to a substantial number of PRPs. A copy of Mr. Robinson's monthly report will be sent to Steve Kinser and myself.

7. By my letter of February 23, EPA requested an alphabetical listing of all PRPs that the Committee, through Clean Sites, Inc., has either been in contact with or identified as a PRP. Please forward this information to me no later than March 23, 1987.

8. It was agreed that Cliff Kline and George Hess would visit the Buxton property for the purpose of investigating the possibility of returning the contaminated "houseboat" to the Holden facility. This occurred on March 11. Assuming the Committee will not undertake to remove the boat back to the Holden facility, EPA will do so in the next couple of weeks. By March 31, please notify me of the location at the site where the boat will be temporarily stored.

A number of issues were identified at the meeting, for which EPA is awaiting a response from the Committee.

1. By my letter of February 23, EPA requested a listing of the PRPs and each PRP's percentage contribution to the PCBs and PCB items at the site. At the meeting, various Committee members expressed a reluctance to comply with this request for various reasons, including the fact that the amount of certain PRPs contributions of PCBs and PCB items at the site were unresolved. In response to this reluctance, I requested the Committee provide EPA with the subject information as it pertains to those PRPs for which no disagreement exists as to site contributions and that this list could be updated on a regular basis with additional PRPs, as contribution issues were settled. At our meeting, I believe Gary Johnson indicated he would attempt to resolve issues relating to the submittal of the requested documentation.

By this letter, EPA restates, but modifies, its request for submission of the listing of all PRPs with their respective contributions of PCBs to the site. I am requesting this information for all PRPs, regardless of whether a dispute exists between any PRP and CSI as to the amount of PCBs shipped to the site. In an effort to reach an agreement on this issue, I will modify the request and only require the submission of the total dBase III data base that was created from information in the manifests found on site. The EPA has not yet undertaken to determine the contributions of PCBs and PCB items at the site by each PRP because it was our understanding this information would be readily shared with EPA by the Committee. The information should be provided on a dBase III diskette compatible with EPA's computers (please contact Mr. Kinser at 913-236-2856 for the type of diskette required) and must be received by me no later than April 3, 1987. EPA is requesting the information pursuant to Article VI.B, of the AOC, Docket No. 86-F-0019 (also see paragraph 4 of the Statement of Work). If it is not received by that date, EPA's contractor will be tasked to develop the requested information from documents and other records presently available to the Agency. Of course, this activity by our contractor will cause incurrence of additional recoverable response costs. In addition, EPA will consider requesting this and other information pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

2. Questions arose concerning the possibility that certain reactive or ignitable materials may be still on site. A determination was made that some ignitable materials were in fact on-site, because 10,000 gallons of material were to be removed on March 12, 1987. Please advise George Hess, EPA's OSC, by March 25, 1987, as to whether any other reactive or ignitable materials remain on site.

3. During the meeting, Steve Kinser asked a number of questions raised by your letter of February 24, 1987, which responded to Morris Kay's letter of January 23. These questions concerned site security and emergency contingency matters. It was EPA's understanding that the Committee would respond quickly to the following:

- (1) Provide a schedule for the implementation of identified fire safety measures:
- (2) Provide more detail as to the actual fire fighting ability of the proposed trailer mounted foam generating unit, including operator identity and storage location (If a fire occurs on site, will that fire prevent its use?);
- (3) Identification of all specific mutual aid agreements or other arrangements that have been made or are being made in an effort to maximize the number of available trained fire fighting personnel.

Please respond directly to Mr. Kinser by March 25, 1987, concerning these matters.

4. With respect to any sampling event that takes place at the site, it was agreed by the Committee that George Hess would be given at least five (5) days notice prior to such sampling event.

It is my understanding from other conversations that the Committee will submit the information collected during the inventory to EPA by March 31, 1987. The EPA expects this package to include data taken from PCB items as well

as analytical results from samples taken. In addition, EPA expects the submission of all other analytical results from samples taken. This would include results from all samples taken from the 50' x 50' area sampling grids, all water and sediment samples from the lagoons and all samples taken from storm and sewer drains. For all samples taken on site, the package to be submitted must include analytical results (including duplicate samples, spike samples and blanks which all relate to the QAPP) and chain of custody and field sheets. Also please provide all water level measurements from the process room pit.

Analytical results from the 50' x 50' grid will soon be provided to EPA. Before EPA can establish appropriate clean-up levels, the Committee needs to determine the future use of the land and buildings. In general, any residual levels of PCBs that are left in the soils and in the building will require some type of future use deed restrictions.

If you believe any of the above understandings or commitments are incorrect or if you have any other questions or issues pertaining to this letter, please contact me. I will be out of the office from March 14 through the 22nd.

Sincerely,

J. Scott Pemberton  
Assistant Regional Counsel

bcc: Steven Kinser, WSTM  
George Hess, ENSV  
Martha Steincamp, CNSL

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